

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JEREMY ZIELINSKI, TRAVIS HUDSON,
BRUCE MOSES, OSCAR NUNEZ, JEAN MARC
DESMARAT, and DAVID HAIGH, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

NEW YORK DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION (DOCCS);
DOCCS ACTING COMMISSIONER DANIEL F.
MARTUSCELLO III, *in his official capacity*;
DOCCS SUPERINTENDENT DAVID HOWARD,
in his official capacity; and DEPUTY
SUPERINTENDENT FOR PROGRAM
SERVICES DANIELLE GLEBOCKI, *in her official
capacity*,

Defendants.

No. 9:24-cv-450 (GTS/CFH)

SUMMONS

To: New York Department of Corrections and Community Supervision (DOCCS)

Daniel F. Martuscello, III, Acting Commission of DOCCS

David Howard, DOCCS Superintendent

Danielle Glebocki, Deputy Superintendent for Program Services

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Christopher McArdle, Esq.
Sharon Steinerman, Esq.
Madeline Byrd, Esq.
Alston & Bird LLP
90 Park Avenue
New York, New York 10016

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

John Dominus
Clerk of Court



Date: 3/29/24

[Signature]

Signature of Clerk or Deputy Clerk

Attorney:
CHRISTOPHER MCARDLE
ALSTON & BIRD LLP
90 PARK AVENUE
NEW YORK NY 10016



UNITED STATES DISTRICT COURT, NORTHERN DISTRICT
OF NEW YORK

JEREMY ZIELINSKI, ET AL
Plaintiff

Index / case #: 9:24-CV-00450

AFFIDAVIT OF SERVICE

NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS),
ET AL

Defendant

ALBANY County, State of: NEW YORK JAMIE WELLS being sworn,
says: Deponent is not a party herein, is over the age of 18 years and resides in the State of: NEW YORK
On 4/1/24 at 12:10 am/pm at: 1220 WASHINGTON AVENUE #9 ALBANY NY 12226

Deponent served the within: See attached Document List

On which were set forth the Index No., herein, and date of filing

On: NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS)
(herein after called the recipient) therein named.

- ☐ Individual By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein
- ☐ Suitable Age person By delivering thereat a true copy of each to: _____
a person of suitable age and discretion. Said premises is recipients [] Actual Place of Residence
[] Actual Place of Business within the State.
- ☐ Affixing to Door By affixing a true copy of each to the door of said premises which is recipients [] Actual Place of Residence
[] Actual Place of Business, within the State
Deponent was unable with due diligence to find recipient or person of suitable age and discretion thereat having called there _____
- ☒ Corporation or Partnership By delivering thereat a true copy of each to: MICHAEL SLEIGHT
personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said
aforementioned document as said recipient and knew said individual to be ASSOC COUNSEL thereof.
- ☐ Mailing Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed
to recipient at recipients last known [] Actual Place of Residence [] Actual Place of Business
at _____
and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within
New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof
by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.
- ☒ Description [] Male [] White skin [] Black hair [] 14-20 Yrs [] Under 5' [] Under 100 Lbs
[] Female [] Black skin [] Brown hair [] 21-35 Yrs [] 5'0"-5'3" [] 100-130 Lbs
[] Yellow skin [] Gray hair [] 36-50 Yrs [] 5'4"-5'8" [] 131-160 Lbs
[] Brown skin [] Blonde hair [] 51-65 Yrs [] 5'9"-6'0" [] 161-200 Lbs
[] Red skin [] Red hair [] Over 65 Yrs [] Over 6' [] Over 200 Lbs

Other Identifying Features _____

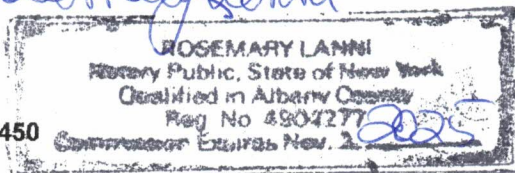
- ☐ Military Service I asked the person spoken to whether recipient was in active military service of the United States or the State of
New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief
are the conversations and observations above narrated.

☐ Subpoena Fee Tendered in the amount of _____

Sworn to before me on 4-1-24

Rosemary Lanni

(Print name below signature)



File No. 9:24-CV-00450

Work Order No. 702910

Attorney:
CHRISTOPHER MCARDLE
ALSTON & BIRD LLP
90 PARK AVENUE
NEW YORK NY 10016



UNITED STATES DISTRICT COURT, NORTHERN DISTRICT
OF NEW YORK

JEREMY ZIELINSKI, ET AL
Plaintiff

NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS),
ET AL

Defendant

Index / case #: 9:24-CV-00450

AFFIDAVIT OF SERVICE

ALBANY County, State of: NEW YORK ROBERT WELLS being sworn,
says: Deponent is not a party herein, is over the age of 18 years and resides in the State of NEW YORK
On 4/1/24 at 1:39 am/pm at: 1220 WASHINGTON AVENUE #9 ALBANY NY 12226

Deponent served the within: See attached Document List

On which were set forth the Index No., herein, and date of filing

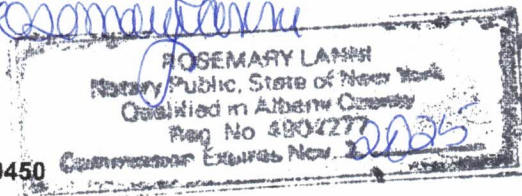
On: DOCCS ACTING COMMISSIONER DANIEL F. MARTUSCELLO III, IN HIS OFFICIAL CAPACITY
(herein after called the recipient) therein named.

- ☐ Individual By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein
- ☐ Suitable Age person By delivering thereat a true copy of each to: _____
a person of suitable age and discretion. Said premises is recipients [] Actual Place of Residence
[] Actual Place of Business within the State.
- ☐ Affixing to Door By affixing a true copy of each to the door of said premises which is recipients [] Actual Place of Residence
[] Actual Place of Business, within the State
Deponent was unable with due diligence to find recipient or person of suitable age and discretion thereat having called there _____
- ☒ Corporation or Partnership By delivering thereat a true copy of each to: MICHELLE SLEIGHT
personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said
aforementioned document as said recipient and knew said individual to be ASSOC COUNSEL thereof.
- ☐ Mailing Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed
to recipient at recipients last known [] Actual Place of Residence [] Actual Place of Business
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and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within
New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof
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[☒ Female [] Black skin [] Brown hair [☒ 21-35 Yrs [] 5'0"-5'3" [☒ 100-130 Lbs
[☒ Yellow skin [] Gray hair [] 36-50 Yrs [] 5'4"-5'8" [] 131-160 Lbs
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[] Red skin [] Red hair [] Over 65 Yrs [] Over 6' [] Over 200 Lbs
- Other Identifying Features _____
- ☐ Military Service I asked the person spoken to whether recipient was in active military service of the United States or the State of
New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief
are the conversations and observations above narrated.

☐ Subpoena Fee Tendered in the amount of _____

Sworn to before me on 4-1-24

Rosemary Lanni



(Print name below signature)

JOHN WELLS

Attorney:
CHRISTOPHER MCARDLE
ALSTON & BIRD LLP
90 PARK AVENUE
NEW YORK NY 10016



UNITED STATES DISTRICT COURT, NORTHERN DISTRICT
OF NEW YORK

JEREMY ZIELINSKI, ET AL
Plaintiff

NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, ET AL
Defendant

Index / case #:

AFFIDAVIT OF SERVICE

ALBANY County, State of: NEW YORK ROBERT WELLS being sworn,
says: Deponent is not a party herein, is over the age of 18 years and resides in the State of: NEW YORK
On 3/29/24 at 2:30 am/pm at: 1220 WASHINGTON AVENUE #9 ALBANY NY 12226

Deponent served the within: See attached Document List

On which were set forth the Index No., herein, and date of filing

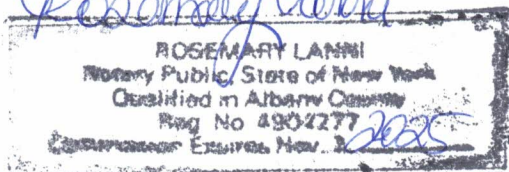
On: **NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS)**
(herein after called the recipient) therein named.

- ☐ Individual By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein
- ☐ Suitable Age person By delivering thereat a true copy of each to: _____
a person of suitable age and discretion. Said premises is recipients [] Actual Place of Residence
[] Actual Place of Business within the State.
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[] Actual Place of Business, within the State
Deponent was unable with due diligence to find recipient or person of suitable age and discretion thereat having called there _____
- ☒ Corporation or Partnership By delivering thereat a true copy of each to: PATRICK DOMENY
personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said
aforementioned document as said recipient and knew said individual to be ASSOCIATE COUNSEL thereof.
- ☐ Mailing Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed
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[] Red skin [] Red hair [] Over 65 Yrs [☒] Over 6' [☒] Over 200 Lbs
- Other Identifying Features GOOTER
- ☐ Military Service I asked the person spoken to whether recipient was in active military service of the United States or the State of
New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief
are the conversations and observations above narrated.

☐ Subpoena Fee Tendered in the amount of _____

☐ _____

Sworn to before me on 4-1-24



(Print name below signature)

ROBERT WELLS

Attorney:

CHRISTOPHER MCARDLE
ALSTON & BIRD LLP
90 PARK AVENUE
NEW YORK NY 10016



UNITED STATES DISTRICT COURT, NORTHERN DISTRICT
OF NEW YORK

JEREMY ZIELINSKI, ET AL
Plaintiff

Index / case #:

AFFIDAVIT OF SERVICE

NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, ET AL
Defendant

Document List:

SUMMONS; CIVIL COVER SHEET; COMPLAINT WITH EXHIBITS; DECLARATION OF
JEREMY ZIELINSKI WITH EXHIBITS; PLAINTIFFS' MEMORANDUM OF LAW IN
SUPPORT OF EMERGENCY MOTION FOR INJUNCTIVE RELIEF; DECLARATION OF
MADELINE BYRD IN SUPPORT OF PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT
OF EMERGENCY MOTION FOR INJUNCTIVE RELIEF WITH EXHIBITS; PLAINTIFFS'
EMERGENCY MOTION FOR INJUNCTIVE RELIEF; [PROPOSED] ORDER GRANTING
PLAINTIFFS' EMERGENCY MOTION FOR INJUNCTIVE RELIEF